

B 5 (Official Form 5) (12/07)

<b>UNITED STATES BANKRUPTCY COURT</b> Northern District of Texas, Dallas Division		<b>INVOLUNTARY PETITION</b>
IN RE (Name of Debtor - If Individual: Last, First, Middle) <b>Henry S. Miller Commercial LLC</b>		ALL OTHER NAMES used by debtor in the last 8 years (Include married, maiden, and trade names.) <b>Henry S. Miller Commercial Co.</b>
Last four digits of Social-Security or other Individual's Tax-I.D. No./Complete EIN (If more than one, state all.):		
STREET ADDRESS OF DEBTOR (No. and street, city, state, and zip code)  <b>5001 SPRING VALLEY RD STE 1100W DALLAS, TX</b>		MAILING ADDRESS OF DEBTOR (If different from street address)
COUNTY OF RESIDENCE OR PRINCIPAL PLACE OF BUSINESS <b>Dallas</b>  ZIP CODE <b>75244</b>		ZIP CODE
LOCATION OF PRINCIPAL ASSETS OF BUSINESS DEBTOR (If different from previously listed addresses)		
CHAPTER OF BANKRUPTCY CODE UNDER WHICH PETITION IS FILED  <input checked="" type="checkbox"/> Chapter 7 <input type="checkbox"/> Chapter 11		
<b>INFORMATION REGARDING DEBTOR (Check applicable boxes)</b>		
<b>Nature of Debts</b> (Check one box.)  Petitioners believe:  <input type="checkbox"/> Debts are primarily consumer debts <input checked="" type="checkbox"/> Debts are primarily business debts	<b>Type of Debtor</b> (Form of Organization)  <input type="checkbox"/> Individual (Includes Joint Debtor) <input checked="" type="checkbox"/> Corporation (Includes LLC and LLP) <input type="checkbox"/> Partnership <input type="checkbox"/> Other (If debtor is not one of the above entries, check this box and state type of entity below.)	<b>Nature of Business</b> (Check one box.)  <input type="checkbox"/> Health Care Business <input type="checkbox"/> Single Asset Real Estate as defined in 11 U.S.C. § 101(51)(B) <input type="checkbox"/> Railroad <input type="checkbox"/> Stockbroker <input type="checkbox"/> Commodity Broker <input type="checkbox"/> Clearing Bank <input type="checkbox"/> Other
<b>VENUE</b>  <input checked="" type="checkbox"/> Debtor has been domiciled or has had a residence, principal place of business, or principal assets in the District for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other District.  <input type="checkbox"/> A bankruptcy case concerning debtor's affiliate, general partner or partnership is pending in this District.		<b>FILING FEE</b> (Check one box)  <input checked="" type="checkbox"/> Full Filing Fee attached  <input type="checkbox"/> Petitioner is a child support creditor or its representative, and the form specified in § 304(g) of the Bankruptcy Reform Act of 1994 is attached. <i>[If a child support creditor or its representative is a petitioner, and if the petitioner files the form specified in § 304(g) of the Bankruptcy Reform Act of 1994, no fee is required.]</i>
<b>PENDING BANKRUPTCY CASE FILED BY OR AGAINST ANY PARTNER OR AFFILIATE OF THIS DEBTOR</b> (Report information for any additional cases on attached sheets.)		
Name of Debtor	Case Number	Date
Relationship	District	Judge
<b>ALLEGATIONS</b> (Check applicable boxes)  1. <input checked="" type="checkbox"/> Petitioner (s) are eligible to file this petition pursuant to 11 U.S.C. § 303 (b). 2. <input checked="" type="checkbox"/> The debtor is a person against whom an order for relief may be entered under title 11 of the United States Code. 3. a. <input checked="" type="checkbox"/> The debtor is generally not paying such debtor's debts as they become due, unless such debts are the subject of a bona fide dispute as to liability or amount; or b. <input type="checkbox"/> Within 120 days preceding the filing of this petition, a custodian, other than a trustee receiver, or agent appointed or authorized to take charge of less than substantially all of the property of the debtor for the purpose of enforcing a lien against such property, was appointed or took possession.		<b>COURT USE ONLY</b>

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Name of Debtor Henry S. Miller Comm

Case No. \_\_\_\_\_

## TRANSFER OF CLAIM

☐ Check this box if there has been a transfer of any claim against the debtor by or to any petitioner. Attach all documents that evidence the transfer and any statements that are required under Bankruptcy Rule 1003(a).

## REQUEST FOR RELIEF

Petitioner(s) request that an order for relief be entered against the debtor under the chapter of title 11, United States Code, specified in this petition. If any petitioner is a foreign representative appointed in a foreign proceeding, a certified copy of the order of the court granting recognition is attached.

Petitioner(s) declare under penalty of perjury that the foregoing is true and correct according to the best of their knowledge, information, and belief.

x Signature of Petitioner or Representative (State title)

BNC Lake Jackson Village, L.P. 07/01/2009

Name of Petitioner Barry Nussbaum Date Signed

Name & Mailing BNC Real Estate

Address of Individual 13151 Emily Rd, Ste 250

Signing in Representative Capacity Dallas Texas 75240

x Signature of Petitioner or Representative (State title)

Dallas Clubview Gardens, L.P. 07/01/2009

Name of Petitioner Barry Nussbaum Date Signed

Name & Mailing BNC Real Estate

Address of Individual 13151 Emily Rd, Ste 250

Signing in Representative Capacity Dallas TX 75240

x Signature of Petitioner or Representative (State title)

Woodside Apartments, L.P. 07/01/2009

Name of Petitioner Barry Nussbaum Date Signed

Name & Mailing BNC Real Estate

Address of Individual 13151 Emily Road, Ste 250

Signing in Representative Capacity Dallas, TX 75240

x Signature of Attorney

Howard Marc Spector 07/01/2009

Name of Attorney Firm (If any) Howard Marc Spector, Spector & Johnson PLLC

Address 12770 Coit Road, Suite 1100, Dallas, TX 75240

Telephone No. (214) 365-5377

x Signature of Attorney

Howard Marc Spector 07/01/2009

Name of Attorney Firm (If any) Howard Marc Spector, Spector & Johnson PLLC

Address 12770 Coit Road, Suite 1100, Dallas, TX 75240

Telephone No. (214) 365-5377

x Signature of Attorney

Howard Marc Spector 07/01/2009

Name of Attorney Firm (If any) Howard Marc Spector, Spector & Johnson PLLC

Address 12770 Coit Road, Suite 1100, Dallas, TX 75240

Telephone No. (214) 365-5377

## PETITIONING CREDITORS

Name and Address of Petitioner	Nature of Claim	Amount of Claim
BNC Lake Jackson Village, L.P.	Judgment	263,145.23
Dallas Clubview Gardens, L.P.	Judgment	493,397.24
Woodside Apartments, L.P.	Judgment	1,185,566.72
Note: If there are more than three petitioners, attach additional sheets with the statement under penalty of perjury, each petitioner's signature under the statement and the name of attorney and petitioning creditor information in the format above.	Total Amount of Petitioners' Claims	1,942,109.19

0 continuation sheets attached

Title: President of  
Manager Member of it  
General Partner

Title: President of  
Manager Member of  
its General Partner

Title: President of  
Manager member of  
its General Partner